



July 7, 2022

Mr. Dale Eaton
513 Grant Street
Wausau, WI 54403
Via Electronic Mail only to: deaton@wausaulaw.com

Subject: Review of Off-Site Liability Exemption Request
Trantow Property Former, 3407 Sherman Street, Wausau, Wisconsin
DNR BRRTS #: 02-37-275016; FID #:737081180

Dear Mr. Eaton:

On May 3, 2022, the Wisconsin Department of Natural Resources (DNR) received the *Off-Site Liability Exemption and Liability Clarification Application* (form 4400-201) (Exemption Request), prepared by Dale Eaton of Eaton John Overbey Jackman, LLP for the site located at 3407 Sherman Street, Wausau, Wisconsin (Site). The Exemption Request asks the DNR to determine if Mr. Shane Rader is exempt from Wis. Stats § 292.11 with respect to the existence of soil contamination from carbon rod disposal Mr. Rader believes was caused by Wausau Steel. The Exemption Request was submitted with the applicable fee for DNR review and response, per Wis. Admin. Code § NR 749.04 (1).

Wis. Stat. Section 292.13 (2) requires the DNR to issue, upon request, a written determination regarding a liability exemption for a person who possesses or controls property that is contaminated by an off-site source, when certain conditions are met. To make this determination, the DNR has reviewed information about the Site, contained in the following documents:

- *Phase II Environmental Site Assessment, Rib River Developers, REI Engineering Inc.*, dated August 2013
- Email from Deborah Dix – DNR to Shane Rader, dated May 22, 2019
- Letter/Email and attachments sent to Dave Rozeboom – DNR, dated October 19, 2021
- Site Files for: Wausau Steel Marsh Clean-Up, DNR BRRTS #: 02-37-000001; Wausau Steel 2 Oxbow & Upland, DNR BRRTS #: 02-37-000252

DNR Determination

The DNR has reviewed the documents referenced above and has determined that the current property owner of the Site, Mr. Shane Rader, is not eligible for the off-site exemption. A party cannot be considered exempt from liability if the source of contamination is possessed or controlled by the party, please see Wis. Stats § 292.13(1m)(a) for reference. The documents provided to the DNR indicate that soil contamination at the Site is from material, likely carbon rods, in-place at the Site. Site photos provided in the Exemption Request documentation show carbon rods in-place at the Site, it is reasonable to conclude these are the source of soil contamination at the Site.

The DNR does not believe Mr. Rader disposed of the material causing the soil contamination; and will undertake efforts to hold liable parties associated with the improper disposal of these materials. This stance was previously

affirmed in Deborah Dix's May 22, 2019, email to Mr. Rader concerning the DNR opinion on whether Mr. Rader was eligible for an off-site exemption.

If you have questions or concerns about this determination, please contact me by phone at: (715) 492-2304 to discuss.

Sincerely,



Matt Thompson
Hydrogeologist
Remediation & Redevelopment

cc: Mr. Shane Rader, via email